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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

STEVEN HIRALDO, Chapter 7
Case No. 22-11623
Debtor.

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RAUL MATOS, Plaintiff,

-against- Adv. Proc. No. 23-
STEVEN HIRALDO,
Defendant.
-----X

**COMPLAINT OBJECTING TO DISCHARGEABILITY OF DEBT
PURSUANT TO 11 U.S.C. §§ 523 (a)(6)**

Raul Matos (“Matos” or “Plaintiff”), by and through his counsel, Giuliano Law
PC, respectfully alleges as follows:

NATURE OF ACTION

1. This is an adversary proceeding commenced pursuant to sections 523(a)(6), and 523(c) of title 11 of the United States Code, 11 U.S.C. sections 101 *et seq.* (the “Bankruptcy Code”) and Federal Rules of Bankruptcy Procedure 4007, 7001(6) and 7003, objecting to the dischargeability of the debt of Debtor Steven Hiraldo (“Debtor” or “Hiraldo”) to Plaintiff.

JURISDICTION AND VENUE

2. This Court has jurisdiction of this adversary proceeding pursuant to 1334(b), 157(a) and 157(b) of title 28 of the United States Code because this adversary proceeding arises in or under the chapter 7 case of the Debtor now pending in the United States Bankruptcy Court for the Eastern District of New York.

3. This adversary proceeding is a core proceeding pursuant to § 157(b)(2)(I) of the United States Code.

4. Venue of this proceeding is proper pursuant to § 1409(a) of the United States Code.

PARTIES

5. Plaintiff is a natural person residing in the State of New York and is a judgment creditor of the Debtor.

6. Defendant is a natural person residing in the State of New York and the Debtor in this Chapter 7 case.

BACKGROUND

7. On December 25, 2014, approximately in front of the premises located at 161 West 108th Street, New York, New York, Defendant, Hiraldo, physically assaulted and injured Plaintiff, Matos.

8. At the aforesaid time and place, Defendant, Hiraldo, battered the plaintiff, Raul Matos resulting in injury.

9. The attack against Matos, was both willful and malicious.

10. As a result of Hiraldo's willful and malicious conduct, Matos suffered

severe physical injury and damages.

STATE COURT ACTION

11. On February 3, 2017, Matos filed an action in the Supreme Court of the State of New York, County of New York, captioned Raul Matos v. Stephen Hiraldo, Index No. 151150/2017 (the “State Court Action”), in which recovery of damages for personal injury was sought as a result of Hiraldo attacking and beating Matos. A true and complete copy of the Complaint is annexed hereto as Exhibit “A”.

12. As part of the complaint in the State Court Action (the “Complaint”), Matos alleged that, *inter alia*, Hiraldo “maliciously and intentionally assaulted and attacked” Matos causing injury.

13. Hiraldo filed an answer denying the substantive allegations of the Complaint.

14. A jury trial was held in the State Court Action on September 23, 24, and 27th of 2021.

15. The jury found Hiraldo committed battery against Matos which battery was the substantial cause of injury to Matos.

16. As a result, Matos was awarded judgment against Hiraldo in the amount of \$250,000 (the “Judgment”). A true and correct copy of the Judgment is annexed hereto as Exhibit “B”

17. No part of the Judgment has been paid to date.

COUNT I

NONDISCHARGEABILITY

11 U.S.C. §523(a)(6)

18. Plaintiffs incorporate the allegations contained in the foregoing paragraphs as if fully set forth herein.

19. Debtor's actions described herein, and in the Complaint, constitute a willful and malicious injury by Debtor to Plaintiff that is not dischargeable under section 523(a)(6) of the Bankruptcy Code.

WHEREFORE, Plaintiffs respectfully request this Court enter judgment in their favor and against Debtor as the result of debts incurred by Debtor (i) willful and malicious injury by Debtor to Plaintiff; and (ii) such other and further relief as to this Court seems just and proper.

Dated: Melville, New York
February 13, 2023

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